

## DEFINITION OF THE CONCEPT OF „TERRORISM“ – AN IMPORTANT PRECONDITION FOR THE SUCCESSFUL FIGHT AGAINST IT

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**Abstract.** The first official definition of the term ‘terrorism’ was provided in the supplement for the Académie Française dictionary published in 1798, which defined „terrorism“ as a „system, or regime of terror“<sup>1</sup>, Robespierre’s method of governance was given as an example, which entailed cruel treatment of the enemies of the revolution. That method turned out to be contagious for the opposition as well, which had not restrained from terror in order to achieve its political goals. During the brief reign of the Paris Commune (in 1871), one of the main elements of terrorism, namely hostage taking, was widely used<sup>2</sup>.

**Keywords:** terrorism, global threat, human rights

### DEFINITION – WIDESPREAD APPROACHES

Although the ‘reign of terror’ was a product of the actions of the government of France, in modern times, the term ‘terrorism’ denotes the killing/destruction of humans by governmental or non-governmental political actors for various, usually political, reasons. The above interpretation was spread in the 1870s by Russian radicals<sup>3</sup>, who considered terrorism to be a more effective means for carrying out social and political fight.

Out of more than 200 definitions of the term „terrorism“ that exist in modern discourse, about 90 are often used by the state agencies of different countries. According to research conducted in 1988 by Alex P. Schmid and Albert J. Jongman, two researchers at the University of Leiden (The Netherlands)<sup>4</sup>, the definition of ‘terrorism’ implies: the concept of

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1. „Système, régime de la terreur“ – it is one of the forms of political governance, when government uses violent methods against its political opposition.

2. Sujashvili, D. (2016) *Historical Aspects of Certain Forms of State Terrorism*. Journal Historical Verticals, No 34, Tbilisi, p. 234.

3. Sergey Nechayev (1847-1882), a famous Russian nihilist, revolutionary, and one of the first representatives of Russian revolutionary terrorism.

4. The study analyses the main components of hundreds of official and academic definitions of the term ‘terrorism’.

violence – 83.5 %; political goals – 65 %; causing fear and terror – 51 %; arbitrariness and indiscriminate targeting – 21 %; and the victimization of civilians, non-combatants, neutrals, or outsiders – 17.5 %<sup>5</sup>.

- Research conducted in 1993 by Ariel Merari, a professor at Tel Aviv University, showed that the legal definitions of „terrorism“ used in the United States, Great Britain, and Germany, have three common elements, namely: use of violence;
- political objective;
- the aim of propagating fear in a target population<sup>6</sup>.

For years, different research centres and experts have been trying to define what ‘terrorism’ is, however there is not a universal and generally accepted definition in terrorology (the study of terrorism) yet. Despite many facts of terrorism expressed in different forms in world history, at present terrorology, as an academic field, is not sufficiently developed. No common opinion has been formed among academics even regarding the legal definition of „terrorism“. While some terrorologists believe that it is not necessary to develop a universal definition of „terrorism“ and it is enough to agree only on a few important aspects, others believe that the development of a comprehensive definition of „terrorism“ is a precondition for the successful fight against terrorism<sup>7</sup>.

Some of the most widespread definitions by certain academics and institutions are listed below:

Walter Ze’ev Laqueur (a famous Americanist and political scientist): „terrorism is the use or threat of violence, a method of combat or a strategy to achieve certain goals... its aim is to induce a state of fear in the victim... it is ruthless and does not conform to humanitarian norms, and publicity is an essential factor in terrorist strategy“.

Bruce Hoffman (analyst at Georgetown University, United States of America): „terrorism is ineluctably political in aims and motives, violent – or, equally important, threatens violence, designed to have far-reaching psychological repercussions beyond the immediate victim or target...“

Alex Schmid and Albert Jongman (researchers at the University of Leiden, The Netherlands): „terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual, group, or state actors, for ... political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence... serve as message generators“.

David C. Rapoport (professor of political science at the University of California, the United States of America): „terrorism is the use of violence to provoke consciousness, to evoke certain feelings of sympathy and revulsion“.

5. Schmid, A. P., Jongman, A.J. (1988) *Political Terrorism*. Amsterdam: North Holland Publishing Company, pp. 5-6.

6. Chaliand G., Blin A. (2007) *The History of Terrorism: from Antiquity to Al Qaeda*. London: University of California Press, Ltd., p. 14.

7. Sujashvili, D. (2018) *The Anatomy of International Terrorism and Georgia*. Tbilisi, Publishing House Saari.



Yonah Alexander (professor at Columbia University, United States of America): „terrorism is the use of violence against random civilian targets in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals“.

The definition of „terrorism“ in the Convention of the League of Nations (1937): „terrorist acts are all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public“.

The assessment by the European Union: terrorism is an act that aims to seriously intimidate a population; or unduly compel a Government or international organisation to perform or abstain from performing any act; or to destruct countries and democratic institutions.

The United States Department of Defense defines terrorism as: „the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological“.

Kofi Annan (a former Secretary-General of the United Nations): „terrorism is a global threat with global effects; ... By its very nature, terrorism is an assault on the fundamental principles of law, order, human rights, ...“

The United States Department of State defines terrorism as: „premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine state agents“.

The Central Intelligence Agency (CIA) of the United States defines terrorism as: premeditated and non-impulsive act of violence; an act designed to change political order; an act perpetrated against civilians that is carried out by subnational groups.

The Federal Bureau of Investigation (FBI) of the United States defines terrorism as: „the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives“.

The Arab Convention for the Suppression of Terrorism defines terrorism as<sup>8</sup>: „any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources“.

Actually terrorism is not only violence. Regardless of the form of violence, whether it is an explosion, killing, or hijacking a plane, there is always a specific strategy behind the terrorists' actions to achieve a political objective. Terrorism is not a random, uncalculated, or blind act. It is premeditated violence perpetrated against civilians.

The statement made by Yasser Arafat, the leader of the Palestine Liberation Organization, during his

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8. Source: <http://www.unodc.org> (Accessed: 23 April 2016).

speech before the United Nations in 1974 also refers to the versatility of terrorism. He stated: „(O)ne man’s terrorist is another man’s freedom fighter“<sup>9</sup>.

Historically, the goal of the international community has always been to develop an international definition of terrorism. In 1937, the League of Nations drafted the Convention for the Prevention and Punishment of Terrorism, according to which the International Criminal Court would be established with the jurisdiction to convict persons accused of terrorism<sup>10</sup>. The adoption of the Convention was a response to the assassination of the Foreign Minister of France and the King of Yugoslavia in Marseille, in 1934. The purpose of the Convention was to define a terrorist act and to sanction it, however, due to the non-unanimous attitude and difference of opinions of the participating member countries, the convention did not enter into force. That is where the complexity of the legal definition of terrorism originates<sup>11</sup>.

The first attempt at a legal definition of the concept of terrorism was made at the 3<sup>rd</sup> International Conference for the Unification of Criminal Law, held in Brussels<sup>12</sup>. The position of the resolution is clearly reflected in its very first article:

Article 1 – The intentional use of means capable of producing a common danger shall be established each time an accused person commits an act that threatens human life, physical integrity, or health, or an act that threatens to destruct valuable goods, namely:

- intentional starting of fire, explosion, flooding, spread of flammable and dangerous substances, destruction and breakdown of signalling devices, flashlights, buildings or devices that are used for extinguishing fire and saving people;
- arbitrary delay in the normal operation of transport, communications, railway, telegraph, telephone, and post, or intentional breakdown of hydraulic installations, lighting, heating, or objects of public use and designation;
- contamination, deterioration or poisoning of drinking water or basic foodstuffs, or causing or spreading infectious diseases, epidemics, or diseases of plants of primary importance for agriculture and forestry.

After World War II, namely on 2 February 1971, the states resumed the development of a legal mechanism for fighting against terrorism. In particular, the first international Convention

9. This opinion is also supported by a public opinion poll conducted in Palestine on 21 December 2001. 98.1% of the surveyed Palestinians agreed that the killing of 29 Palestinians by Baruch Goldstein in Hebron, at al Ibrahimi mosque, in 1994, should be called terrorism, whereas 82.3% of the same respondents disagreed or strongly disagreed that the killing of 21 Israeli youths by a Palestinian who blew himself up at the Tel Aviv Dolphinarium should be called terrorism.

10. Weatherall, Th. (2015) *The Status of the Prohibition of Terrorism in International Law: Recent Development*. Georgetown Journal of International Law, Vol. 45, p. 591.

11. Molinares Hassan, V. (2016) *Terrorismo: Registros Juridicos y debates doctrinales* in Joan Lluís Pérez Francesch. Molinares Hassan, V. EN defensa del Estado de Derecho, Esstudios sobre las tensiones entre la seguridad y la libertad en el mundo de hoy, Universidad del Norte Editorial, pp. 193-194.

12. Saul, B. (2005) *Attempts to Define ‘Terrorism’ In International Law*. Netherlands International Law Review, p. 59.



to Prevent and Punish the Acts of Terrorism was adopted. The Convention covers acts of terrorism committed against persons, as provided for by the criminal codes of the countries, that are of international nature.<sup>13</sup> The Convention covers crimes such as: murder, kidnaping, extortion, and violation of fundamental human rights.

In December 1972, the General Assembly of the United Nations adopted Resolution No 3034 on terrorism and other forms of violence<sup>14/15</sup>.

At the 28th session of the General Assembly of the United Nations, under the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, a new legal regime was applied to persons with diplomatic immunity.

An international convention on terrorism was also drawn up by the Council of Europe on 27 January 1977, in Strasbourg<sup>16</sup>.

Problems related to the definition of terrorism were not solved by drawing up international legal instruments. The issue of developing a universal definition of the concept of ‘terrorism’ is still on the agenda.

## CONCLUSION

Terrorism may be defined as follows: terrorism is an illegal act the purpose of which is to achieve a political objective by propagating fear in the public.

A terrorist organisation is an illegal, unofficially operating organisation, which mainly consists of cells which plan, prepare, and conduct terrorist acts. Terrorist organisations may have different organisational structures, such as:

- a hierarchical structure (identifiable – vertical structure);
- a horizontal structure (a structure where leaders are non-identifiable or have no major role);
- a cell structure (a structure where an organisation may be composed of both independent groups and individually acting so-called „lone wolves“).

In most cases, terrorism involves asymmetric warfare. Asymmetric warfare is fought between unequal sides, when the less powerful force attacks the more powerful force by violation of the conventional rules of war, because it cannot win *apriori* in direct combat.

A combination of difficult social, economic, ideological, or political problems contributes to

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13. Convention to Prevent and Punish the Acts of Terrorism, 2 February 1971. Available at: <http://www.oas.org> (Accessed: 25 April 2016).

14. Which results in the death of innocent people, or threatens their fundamental rights.

15. A Special Committee on International Terrorism was established in 1973 in accordance with paragraph 9 of the United Nations Resolution No 3034.

16. European Convention on the Suppression of Terrorism, Available at: <https://rm.coe.int/16800771b2> (Accessed: 27 April 2016).

the emergence and development of terrorism; terrorists themselves rarely come to power, but in some cases, they contribute to the rise to power of persons or authorities that, in the end, are usually more extremist than them<sup>17</sup>.

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17. For example: In 1917, a terrorist organisation called the Socialist-Revolutionaries (SRs or „Esers“) played an important part in rise of Bolsheviks to power in Russia.